



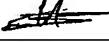
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Docket: MA9658DIV4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: /  
Fraser et al. / Group Art Unit: 1632  
/ /  
Serial No: 10/614,648 / /  
/ /  
Filed: July 7, 2003 / Examiner: unknown  
/ /  
FOR: SYSTEMS AND METHODS FOR /  
TREATING PATIENTS WITH /  
PROCESSED LIPOASPIRATE CELLS /  
/

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class mail, postage prepaid, in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2004.  
STOUT, UXA, BUYAN & MULLINS, LLP

  
Kenton R. Mullins, Reg. No. 36,331

**TRANSMITTAL**

Sir:

Submitted herewith are

- ~ Return Receipt postcard;
- ~ Information Disclosure Statement;
- ~ PTO-1449 21 Sheets;
- ~ The Commissioner is hereby authorized to charge any needed fees to deposit account 50-1600.

Respectfully submitted,

  
Kenton R. Mullins  
Attorney for Applicants  
Reg. No. 36,331

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Docket: MA9658DIV4

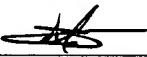
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STOUT, UXA, BUYAN & MULLINS, LLP

  
Kenton R. Mullins, Reg. No. 36,331

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. 1.56 and 1.97, Applicants wish to call the attention of the Examiner to the references that are listed on the attached PTO form 1449. In accordance with 37 C.F.R. section 198(d)(1)(2), copies of all 291 references in the enclosed PTO form 1449 are not provided as they have previously been provided in U.S. Serial No. 10/316,127 filed December 9, 2002, for which the subject application claims priority

Applicants respectfully request that the cited references be listed on the face of any patent issuing from this application.

These citations do not constitute an admission that the references are relevant or material to the claims, but rather only constitute the closest art of which Applicants are presently aware.

Respectfully Submitted



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INFORMATION DISCLOSURE CITATIONS  
(Use several sheets if necessary)

Docket Number (Optional)

MA9658DIV4

Application Number

10/614, 648

Applicant(s)

Fraser et al.

Filing Date

7/7/03

Group Art Unit

1632

JUN 28 2004

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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		5,035,708	07/20/1991	Alchas et al.			
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REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	EP0570331	11/18/1993	Europe				
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	WO8601111	02/27/1986	WIPO				

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EXAMINER

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**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Docket Number (Optional)	MA9658D1V4	Application Number
Applicant(s)	Fraser et al.	
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**INFORMATION DISCLOSURE CITATION**  
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Docket Number (Optional)  
**MA96580104**

Application Number  
**10/614,648**

Applicant(s)  
**Fraser et al.**

Filing Date

**7/7/03**

Group Art Unit  
**1632**

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Applicant(s) <b>Fraser et al.</b>		
Filing Date <b>7/7/03</b>	Group Art Unit <b>1632</b>	

*EXAMINER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
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FORM 1449*		Docket Number MA9658 DIV 4	Application Number 101614,648
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION		Applicant Fraser et al.	
(Use several sheets if necessary)		Filing Date 7/7/93	Group Art Unit 1632

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,486,359	January 23, 1996 (EXHIBIT 1)	Caplan, et al.			
	5,728,739	March 17, 1998 (EXHIBIT 2)	Ailhaud et al.			
	5,827,740	October 27, 1998 (EXHIBIT 3)	Pittenger			
	5,827,897	October 27, 1998 (EXHIBIT 4)	Ailhaud, et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	WO 98/04682	February 5, 1998 (EXHIBIT 5)	US			YES <input type="checkbox"/> NO <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
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XAMINER	DATE CONSIDERED
XAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	
*Substitute Disclosure Statement Form (PTO-1449) Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE	

<b>FORM 1449*</b>	<b>Docket Number</b> <b>MA9658D1V4</b>	<b>Application Number</b> <b>10/614,648</b>
<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>	<b>Applicant</b> <b>Fraser et al.</b>	
<b>(Use several sheets if necessary)</b>	<b>Filing Date</b> <b>7/7/03</b>	<b>Group Art Unit</b> <b>1632</b>

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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**INFORMATION DISCLOSURE STATEMENT  
IN AN APPLICATION**

(Use several sheets if necessary)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	5,786,207 (Exhibit 20)	July 28, 1998	Katz, et al.			
	5,827,735 (Exhibit 21)	October 27, 1998	Young, et al.			
	5,827,740 (Exhibit 22)	October 27, 1998	Pittenger			
	5,906,934 (Exhibit 23)	May 25, 1999	Grande, et al.			
	5,908,784 (Exhibit 24)	June 1, 1999	Johnstone et al.			
	6,200,606 B1 (Exhibit 25)	March 13, 2001	Peterson, et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION		Applicant Fraser et al.	
(Use several sheets if necessary)		Filing Date 7/7/03	Group Art Unit 1632

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Chyun, et al., 1984 <i>Endo.</i> "Cortisol Decreases Bone Formation by Inhibiting Periosteal Cell Proliferation," 114:477-480 (Exhibit 32)
		Conget, PA and JJ Minguell 1999 <i>J. Cell. Physiol.</i> "Phenotypical and Functional Properties of Human Bone Marrow Mesenchymal Progenitor Cells," 181:67-73 (Exhibit 33)
		Cooper, et al., 1999 <i>J. Endocrinol.</i> "Glucocorticoid activity, inactivity and the osteoblast," 163:159-164 (Exhibit 34)
		Denker, A.E., et al., 1995 <i>Differentiation</i> "Formation of cartilage-like spheroids by micromass cultures of murine C3H101/2 cells upon treatment with transforming growth factor- $\beta$ 1," 59: 25-34 (Exhibit 35)
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		Ducy, et. al., 1997 <i>Cell</i> "Osf2/Cbfa1: A Transcriptional Activator of Osteoblast Differentiation," 89:747-754 (Exhibit 38)
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		Johnstone B., et al., 1998 "In Vitro Chondrogenesis of Bone Marrow-Derived Mesenchymal Progenitor Cells," <i>Exp. Cell Res.</i> 238: 265-272(Exhibit 46)
		Kania, et al., 1990 "The <i>Drosophila</i> segmentation gene <i>runt</i> encodes a novel nuclear regulatory protein that is also expressed in the developing nervous system," <i>Genes Dev.</i> 4:1701-1713(Exhibit 47)
		Kehlen, A. et al., 2000 <i>J. Cell Biochem.</i> "Increased Lymphocytic Aminopeptidase N/CD13 Promoter Activity After Cell-Cells Contact," 80:115-123(Exhibit 48)
		Kosher, RA, et al., 1986 <i>J. Cell Biol.</i> "Collagen Gene Expression During Limb Cartilage Differentiation," 102:1151-1156(Exhibit 49)
		Kuri-Harcuch, W. et al., 1984, <i>Differentiation</i> "Extracellular matrix production by mouse 3T3-F442A cells during adipose differentiation in culture," 28(Exhibit 50)
		Lanier, L.L. et al, 1991 <i>J. Immunol.</i> "Molecular and Functional Analysis of Human Natural Killer Cell-Associated Neural Cells Adhesion Molecule (N-Cam/CD56)," 146:4421-4426(Exhibit 51)
		Lawson-Smith, M.J. and McGeachie, J.K. 1998 <i>J. Anat.</i> "The identification of myogenic cells in skeletal muscle, with emphasis on the use of tritiated thymidine autoradiography and desmin antibodies," 192:161-171 (Exhibit 52)

EXAMINER

DATE CONSIDERED

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FORM 1449*		Docket Number MA9658D:U 4	Application Number 10/614, 648
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION		Applicant Fraser et al.	
(Use several sheets if necessary)		Filing Date 7/7/02	Group Art Unit 1632

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
		Leboy, et al., 1991 <i>J. Cell Physiol.</i> "Dexamethasone Induction of Osteoblast mRNAs in Rat Marrow Stromal Cell Cultures," 146:370-378 (Exhibit 53)	
		Lendahl, et al., 1990 <i>Cell</i> "CNS Stem Cells Express a New Class of Intermediate Filament Protein," 60:585-595 (Exhibit 54)	
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<b>FORM 1449*</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number	Application Number
	MA9658D1V4	10/8/14, 648
	Applicant	Fraser et al.
	Filing Date	Group Art Unit 7/7/03 1632

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						YES NO
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	WO97/39104 (Exhibit 111)	10/23/97	PCT			X
	WO97/40137 (Exhibit 112)	10/30/97	PCT			X
	WO97/41208 (Exhibit 113)	11/06/97	PCT			X
	WO98/20731 (Exhibit 114)	05/22/98	PCT			X
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	WO98/51317 (Exhibit 116)	11/19/98	PCT			X
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\*Substitute Disclosure Statement Form (PTO-1449)

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FORM 1449*		Docket Number MA9658 DIV 4	Application Number 10/614,648
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FORM 1449*		Docket Number MA9658D1U4	Application Number 101614, 648
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION		Applicant Fraser et al.	
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FORM 1449°  <b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number  MA9658 DIV 4	Application Number  10/614, 648
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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\*Substitute Disclosure Statement Form (PTO-1449)

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<b>FORM 1449*</b>	<b>Docket Number</b> <b>MA9658D1V4</b>	<b>Application Number</b> <b>10/614,648</b>
<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>	<b>Applicant</b> <b>Fraser et al.</b>	
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<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b>  (Use several sheets if necessary)		Docket Number <b>MA9658 DIV 4</b>	Application Number <b>10/614,648</b>
		Applicant <b>Fraser et al.</b>	
		Filing Date <b>7/7/03</b>	Group Art Unit <b>(632)</b>

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,854,292	December 29, 1998 (Exhibit 235)	Ailhaud et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 99/28444 (Exhibit 223)	June 10, 1999	PCT				
	WO 99/02654 (Exhibit 224)	January 21, 1999	PCT				
	WO 00/53795 (Exhibit 231)	September 14, 2000	PCT				
	WO 01/62901 A2 (Exhibit 232)	August 30, 2001	PCT				
	WO 01/21767 (Exhibit 233)	March 29, 2001	PCT				
	WO 97/26326 (Exhibit 236)	July 24, 1997	PCT				

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